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[Proposed] Counsel to Bradley D. Sharp, Chapter 11
Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

LESLIE KLEIN,

Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

**CHAPTER 11 TRUSTEE'S
APPLICATION TO EMPLOY THE LAW
OFFICE OF ERIC EVERETT HAWES AS
LANDLORD/TENANT COUNSEL
EFFECTIVE AS OF AUGUST 1, 2023;
DECLARATION OF ERIC EVERETT
HAWES IN SUPPORT THEREOF**

[No Hearing Required Pursuant to Local
Bankruptcy Rules 2014-1(b)(1) and
9013-1(o)]

Bradley D. Sharp, the duly appointed, authorized and acting chapter 11 trustee (the "Trustee") in the above-captioned bankruptcy case (the "Case") of Leslie Klein (the "Debtor"), hereby files this application (the "Application") to employ the Law Office of Eric Everett Hawes (the "Firm") whose business office is located 23945 Calabasas Road, Suite 113, Calabasas, CA 91302, as landlord/tenant counsel in this Case, effective as of August 1, 2023.

This Application is brought pursuant to section 327, 330 and 331 of title 11 of the United States Code (the "Bankruptcy Code"), Federal Rule of Bankruptcy Procedure 2014, and Local Bankruptcy Rule 2014-1. In support of the Application, the Trustee respectfully represents as follows:

I.

BACKGROUND

On February 22, 2023, the Debtor filed a voluntary petition for relief under subchapter V of Chapter 11 of the Bankruptcy Code.

On April 24, 2023, creditors Erica and Joseph Vago filed a *Motion for Order Dismissing Debtor's Chapter 11 Bankruptcy Case* (the "Motion to Dismiss") [Docket No. 79].

On May 17, 2023, at a hearing held on the Motion to Dismiss, the Court ruled that the appointment of a chapter 11 trustee, and not dismissal of the case, was in the best interests of the estate.

On May 23, 2023, the UST filed a *Notice of Appointment of Chapter 11 Trustee* [Docket No. 151], appointing Bradley D. Sharp to serve as chapter 11 Trustee (the "Trustee").

On May 23, 2023, the UST Filed an *Application for Order Approving Appointment of Trustee and Fixing Bond* [Docket No. 154], approved by order entered the same day [Docket No. 155]. On that same day, the Trustee accepted his appointment [Docket No. 156].

This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

II.

RELIEF REQUESTED

The Trustee seeks Court approval to retain the Firm, effective as of August 1, 2023, to provide legal advice, counsel, and representation in connection with the filing and prosecution of unlawful detainer actions for the properties located at: 161 N. Poinsettia Place, Los Angeles, California 90036; 315 Martel Avenue, Los Angeles, California 90036; 143 Highland Drive, Los Angeles, California 90036; and 2560-B Whitewater Club Drive, Palm Springs, CA 92262. The Trustee and the Firm reserve the right to include additional properties to the engagement in accordance with the terms otherwise set forth herein and in the Firm's engagement letter.

The Trustee desires to retain the Firm because of its expertise in real estate law and in particular landlord/tenancy law. The Firm represents developers, investors, design professionals, general and sub-contractors, owner-occupiers, landlords and other users of real estate in matters

1 involving sales, purchases, options, leases, construction and development, easements, adverse and
2 prescriptive use, boundary and other title disputes, subsidence, lateral support, entitlements, water
3 rights, eminent domain and inverse condemnation of commercial, office, industrial, retail,
4 agricultural, residential and multifamily properties. The Firm has also represented national and
5 community based lenders in matters involving loan origination, operations, non-performing loans,
6 lender liability issues, receiverships, writs of attachment, writs of possession and other provisional
7 remedies, judicial and non-judicial foreclosures, Article 9 sales, judicial reformation of loan
8 documents and equitable subrogations, subsidence and construction defects, stop notices,
9 commercial and residential landlord/tenant issues, eminent domain and inverse condemnation. The
10 Firm's experience also runs to forbearance, modification, assumption, purchase, inter-creditor and
11 other loan workout agreements and to formation of partnerships, joint ventures, corporations and
12 limited liability companies. In addition to representing countless developers, condominium
13 associations, home and land owners, the Firm has also represented the numerous national, regional
14 and community banks and lenders. A copy of the resume of Eric Everett Hawes ("Hawes"), the
15 Firm's attorney who is expected to be principally responsible for the representation of the Trustee in
16 the Case, is attached to the Declaration of Eric Everett Hawes (the "Hawes Declaration") as **Exhibit**
17 **A**.

18 The Firm's depth of experience in real estate law, and landlord/tenant law in particular,
19 makes it well qualified to represent the Trustee. Therefore, the Trustee believes that the Firm's
20 retention is in the best interest of the estate. More information about the Firm is available at its
21 website, <http://www.eehlawoffice.com>.

22 **III.**

23 **DISINTERESTEDNESS**

24 To the best of the Trustee's knowledge and based upon the Hawes Declaration attached
25 hereto, the Firm does not have any connection with the Trustee, the Debtor, any creditors of the
26 Estate, any party in interest herein, the United States Trustee, or any person employed in the Office
27 of the United States Trustee, except to the extent set forth in the Hawes Declaration.
28

1 The Firm understands that the Trustee has retained and may retain additional professionals
2 during the term of the engagement. The Firm may have worked with the additional professionals in
3 the past and agrees to work cooperatively with such professionals on this case to integrate any
4 respective work conducted by the professionals on behalf of the Trustee. The Firm has assured the
5 Trustee that it will work closely with each of these firms to take care not to duplicate efforts in this
6 case.

7 To the best of the Trustee's knowledge, and based on the Hawes Declaration, the Firm does
8 not represent any interest adverse to that of the Estate. Accordingly, the Firm is a "disinterested"
9 person, as the Trustee understands this term to be defined, within the meaning of section 101(14) of
10 the Bankruptcy Code.

11 **IV.**
12 **COMPENSATION**

13 Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules and the Local
14 Bankruptcy Rules and this Court's rules, the Trustee proposes to pay the Firm its customary hourly
15 rates in effect from time to time and to reimburse the Firm according to its customary reimbursement
16 policies. Hawes' hourly rate is \$450.

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18 The Firm has not received any retainer in contemplation of its proposed employment.
19 However, it is contemplated that the Firm will seek interim compensation during the Case as
20 permitted by sections 330 and 331 of the Bankruptcy Code and Bankruptcy Rule 2016. The Firm
21 understands that its compensation in the Case is subject to the prior approval of this Court. No
22 compensation will be paid except upon application to and approval by this Court after notice and a
23 hearing in accordance with sections 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016,
24 and Local Bankruptcy Rule 2016-1.

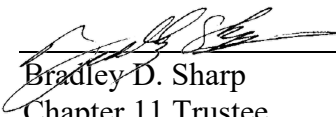
25
26 Pursuant to Local Bankruptcy Rule 2014-1(b)(4), a hearing is not required in connection with
27 the Application unless requested by the United States Trustee, a party in interest, or otherwise
28 ordered by the Court. Pursuant to Local Bankruptcy Rule 2014-1(b)(3), any response to the

1 Application and request for hearing must be in the form prescribed by Local Bankruptcy Rule 9013-
2 1(f) and must be filed with the Court and served upon the Trustee, its proposed counsel, and the
3 United States Trustee no later than fourteen (14) days from the date of service of notice of the filing
4 of the Application.

5
6 Notice of filing of this Application was provided to the Office of the United States Trustee
7 and all parties who filed and served a request for special notice as of the date of service of the
8 Application.

9 **WHEREFORE**, the Trustee requests that this Court approve the employment of the Law
10 Office of Eric Everett Hawes as his landlord/tenant counsel, effective as of August 1, 2023, to render
11 services as described above, with compensation to be paid by the estate as an administrative expense
12 in such amounts as this Court may hereafter determine and allow.

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14 Dated: August 1, 2023

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17 Bradley D. Sharp
18 Chapter 11 Trustee
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Jeffrey N. Pomerantz (State Bar No. 143717)
Jeffrey W. Dulberg (State Bar No. 181200)
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[Proposed] Counsel to Bradley D. Sharp, Chapter 11
Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

LESLIE KLEIN,

Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

**DECLARATION OF ERIC EVERETT
HAWES IN SUPPORT OF CHAPTER 11
TRUSTEE'S APPLICATION TO
EMPLOY THE LAW OFFICE OF ERIC
EVERETT HAWES AS
LANDLORD/TENANT COUNSEL
EFFECTIVE AS OF AUGUST 1, 2023**

I, Eric Everett Hawes, declare and state as follows:

1. I am a principal of the Law Office of Eric Everett Hawes (the "Firm")¹, and duly admitted to practice in the State of California and before this Court.
2. I make this declaration in support of the application (the "Application") filed by Bradley D. Sharp, Chapter 11 Trustee (the "Trustee") of the estate of Leslie Klein (the "Debtor"), to employ the Firm as his landlord/tenant counsel, effective as of August 1, 2023.
3. The name, address, and telephone number of the Firm are as follows:

¹ Capitalized terms not defined herein have the meanings used in the Application.

Law Office of Eric Everett Hawes
23945 Calabasas Road, Suite 113
Calabasas, California 91302
Telephone: (818) 564-4500

4. I have, among other things, expertise in the area of landlord/tenant law. I represent developers, investors, design professionals, general and sub-contractors, owner-occupiers, landlords and other users of real estate in matters involving sales, purchases, options, leases, construction and development, easements, adverse and prescriptive use, boundary and other title disputes, subsidence, lateral support, entitlements, water rights, eminent domain and inverse condemnation of commercial, office, industrial, retail, agricultural, residential and multifamily properties. I have also represented national and community based lenders in matters involving loan origination, operations, non-performing loans, lender liability issues, receiverships, writs of attachment, writs of possession and other provisional remedies, judicial and non-judicial foreclosures, Article 9 sales, judicial reformation of loan documents and equitable subrogations, subsidence and construction defects, stop notices, commercial and residential landlord/tenant issues, eminent domain and inverse condemnation. My experience also runs to forbearance, modification, assumption, purchase, inter-creditor and other loan workout agreements and to formation of partnerships, joint ventures, corporations and limited liability companies. In addition to representing countless developers, condominium associations, home and land owners, I have also represented the numerous national, regional and community banks and lender. A copy of my resume is attached hereto as **Exhibit A**.

5. The Trustee desires to retain the Firm, at the expense of the estate, to provide legal advice, counsel, and representation in connection with the filing and prosecution of unlawful detainer actions for the properties located at: 161 N. Poinsettia Place, Los Angeles, California 90036; 315 Martel Avenue, Los Angeles, California 90036; 143 Highland Drive, Los Angeles, California 90036; and 2560-B Whitewater Club Drive, Palm Springs, CA 92262.

6. To the best of my knowledge, neither the Firm nor any of its partners, counsel, or associates has any connection with the Debtor, his principals or former employees, any creditor of the estate, any party in interest, their respective attorneys or accountants, the United States Trustee,

1 or any person employed in the Office of the United States Trustee, except to the extent set forth
2 below.

3 7. I am not aware of any current representations in unrelated cases of parties who are
4 creditors of the Debtor or other parties on the list of Potential Parties In Interest attached hereto as
5 **Exhibit B**. To the extent the Trustee's continuing investigation of the business affairs of the Debtor
6 and administration of the Case reveals additional connections with the Trustee, the Debtor, any
7 creditors of the Estate, any party in interest herein, the United States Trustee, or any person
8 employed in the Office of the United States Trustee, the Firm will supplement this declaration
9 accordingly.

10 8. To the best of my knowledge, the Firm does not represent any interest adverse to that
11 of the Estate. Accordingly, the Firm is a "disinterested" person as that term is defined and used in
12 sections 101(14) and 327 of the Bankruptcy Code.

13 9. I understand that the Trustee has retained and may retain additional professionals
14 during the term of the engagement. The Firm may have worked with the additional professionals in
15 the past and agrees to work cooperatively with such professionals on this case to integrate any
16 respective work conducted by the professionals on behalf of the Trustee. The Firm has assured the
17 Trustee that it will work closely with each of these firms to take care not to duplicate efforts in this
18 case.

19 10. Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules and the
20 Local Bankruptcy Rules and this Court's rules, the Trustee proposes to pay the Firm its customary
21 hourly rates in effect from time to time and to reimburse the Firm according to its customary
22 reimbursement policies. My hourly rate is \$450.

23 11. The Firm has not received any retainer in contemplation of its proposed employment.
24 However, it is contemplated that the Firm will seek interim compensation during the Case as
25 permitted by sections 330 and 331 of the Bankruptcy Code and Bankruptcy Rule 2016. The Firm
26 understands that its compensation in the Case is subject to the prior approval of this Court. No
27 compensation will be paid except upon application to and approval by this Court after notice and a
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1 hearing in accordance with sections 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016,
2 and Local Bankruptcy Rule 2016-1.

3 12. The attorneys at the Firm that will be involved in the Case are familiar with the
4 Bankruptcy Code, the Bankruptcy Rules, and Local Bankruptcy Rules and will comply with them.

5 13. The Firm has not represented and does not currently represent a related debtor in a
6 bankruptcy case in this Court or any other court.

7 To the best of my knowledge, after conducting or supervising the investigation described
8 above, I declare under penalty of perjury under the laws of the United States of America, that the
9 foregoing is true and correct.

10 Executed this 1st day of August 2023, at Calabasas, California.

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13 Eric Everett Hawes
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PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

EXHIBIT A

Attorney Biography



LAW OFFICE OF
ERIC EVERETT HAWES

About Eric Everett Hawes



ERIC EVERETT HAWES, ATTORNEY AT LAW

Eric Hawes was born in Westminster, California in 1960 and raised in the Southern California Area. He graduated with honors from California State University at Northridge in 1982 receiving the Bachelor of Arts Degree in Political Science. He attended Santa Barbara and Ventura Colleges of Law receiving the degree of Juris Doctor in 1987.

Eric Hawes has focused his practice in the area of commercial, real estate, business and construction litigation and transactions.

Mr. Hawes represents developers, investors, design professionals, general and sub-contractors, owner-occupiers, landlords and other users of real estate in matters involving sales, purchases, options, leases, construction and

development, easements, adverse and prescriptive use, boundary and other title disputes, subsidence, lateral support, entitlements, water rights, eminent domain and inverse condemnation of commercial, office, industrial, retail, agricultural, residential and multifamily properties.

Mr. Hawes has also represented national and community based lenders in matters involving loan origination, operations, non-performing loans, lender liability issues, receiverships, writs of attachment, writs of possession and other provisional remedies, judicial and nonjudicial foreclosures, Article 9 sales, judicial reformation of loan documents and equitable subrogations, subsidence and construction defects, stop notices, commercial and residential landlord/tenant issues, eminent domain and inverse condemnation.

Mr. Hawes' experience also runs to forbearance, modification, assumption, purchase, intercreditor and other loan workout agreements and to formation of partnerships, joint ventures, corporations and limited liability companies.

In addition to representing countless developers, condo associations, home and land owners, he has also represented the numerous national, regional and community banks and lenders.

Eric Hawes is a member and featured speaker of the American, California, Los Angeles and San Fernando Valley Bar Associations, with membership in the Real Estate and Commercial Sections and the Provisional Remedy Subsection. In addition, Mr. Hawes is a member of the Financial Lawyers Conference and Western Independent Bankers, he is a featured speaker and member of the Risk Management Association, he is a featured speaker of the Federal Reserve Bank and he sits on the Government Affairs Committee of the Building Industry Association, the Civil Litigation Panel for the California Continuing Education of the Bar and the Planning Committee of the California Bankers Association. Eric is also a member of the Providence Tarzana Hospital Real Estate Committee.

Eric Hawes has been published in the Verdicts and Settlements section of the Daily Journal for successfully defending financial institutions against lender liability and identity theft claims, he has published Legal Update for Bankers, and he has represented financial institutions in published opinions involving Nigerian Check Scams.



LAW OFFICE OF
ERIC EVERETT HAWES

Contact Us

818.564.4500

23945 Calabasas Rd, Suite 113
Calabasas, CA 91302

RATED BY

Super Lawyers

Eric Everett Hawes

SuperLawyers.com

EXHIBIT B

Potential Parties In Interest

1 A. Gestetner Family Trust
2 Adi Vendriger
3 Ajax Mortgage Loan Trust 2021-D, Mortgage-Backed Securities, Series 2021-D,
by U.S. Bank National Association, as Indenture Trustee
4 Bank of America
Barbara Klein
5 Barclays Bank Delaware
California Bank & Trust
6 Chase Card Services
Chase Doe (renter)
7 Chase Mortgage
Citibank
8 COO Mortgage Corp
Erica Vago
9 Erika Noemi Klein (deceased)
Fay Servicing LLC
10 Fiore Racobs & Powers c/o Palm Springs County Club HOA
Franklin Menlo
11 Gestetner Charitable Remainder Unitrust
Isaac Kirzner (deceased)
12 Jacob Rummitz (renter)
James Allen Norton (squatter)
13 Jeffrey Siegel, Successor Trustee of the Hubert Scott Trust
Joseph Chase Rivera (renter)
14 Joseph Vago
Judith Bittman (deceased)
15 Leslie Klein
Leslie Klein & Associates
16 Life Capital Group, LLC
Life Capital Group, LLC
17 Los Angeles County Tax Collector
Moshe Rubnitz (renter)
18 MRC/Untied Wholesale M
Oldman, Cooley and Sallus
19 Reem J Bello
Robert & Esther Mermelstein
20 Robert P Goe
Sandra Layton (renter)
21 Selene Finance
Shellpoint Mortgage Servicing
22 Sondra "Sandy" Leyton (renter)
Toyota Financial Services
23 U.S. Bank, N.A., as Trustee for Velocity Commercial Capital Loan Trust 2018-2
Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but
24 as trustee for Pretium Mortgage Acquisition Trust
25 Winter Dejer (squatter)
26
27
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
10100 Santa Monica Boulevard, 13th Floor, Los Angeles, California 90067

A true and correct copy of the foregoing document entitled (*specify*): **CHAPTER 11 TRUSTEE'S APPLICATION TO EMPLOY THE LAW OFFICE OF ERIC EVERETT HAWES AS LANDLORD/TENANT COUNSEL EFFECTIVE AS OF AUGUST 1, 2023; DECLARATION OF ERIC EVERETT HAWES IN SUPPORT THEREOF** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **August 1, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **August 1, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 1, 2023

Date

Nancy H. Brown

Printed Name

/s/ Nancy H. Brown

Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- **Simon Aron** saron@wrslawyers.com, moster@wrslawyers.com
- **Reem J Bello** rbello@goeforlaw.com, kmurphy@goeforlaw.com
- **Ron Bender** rb@lnbyg.com
- **Michael Jay Berger** michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com
- **Greg P Campbell** ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com; gcampbell@aldridgepite.com
- **Baruch C Cohen** bcc@BaruchCohenEsq.com, paralegal@baruchcohenesq.com
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- **Gary Tokumori** gtokumori@pmcos.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov
- **Michael L Wachtell** mwachtell@buchalter.com
- **John P. Ward** jward@attleseystorm.com, ezhang@attleseystorm.com
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- **Clarisse Young** youngshumaker@smcounsel.com, levern@smcounsel.com
- **Paul P Young** paul@cym.law, jaclyn@cym.law
- **Roye Zur** rzur@elkinskalt.com, cavila@elkinskalt.com; lwageman@elkinskalt.com; 1648609420@filings.docketbird.com

2. SERVED BY UNITED STATES MAIL:

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Michael Jones, Assistant U.S. Trustee
Office of the U.S. Trustee
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Beverly Hills, CA 90212

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

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